

**TWENTY-FOURTH DAY**

(Thursday, March 5, 1987)

The Senate met at 11:00 a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Anderson, Armbrister, Barrientos, Blake, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

Absent-excused: Brooks, Henderson.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Heavenly Father, thank You for reminding us what is good, what is right and what is true. We give thanks for Your grace and for the words that point us to what is important and significant in this life. Keep each of us strong in the faith and provide us with a special measure of Your mercy. In Your name, Amen.

On motion of Senator Harris and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**LEAVES OF ABSENCE**

Senator Brooks was granted leave of absence for today on account of important business on motion of Senator Harris.

Senator Henderson was granted leave of absence for today on account of important business on motion of Senator Harris.

**RESOLUTIONS SIGNED**

The President announced the signing in the presence of the Senate the following enrolled resolutions:

**H.C.R. 71**

**H.C.R. 79**

**GUEST PRESENTED**

Senator Edwards was recognized and introduced the Capitol Physician for the Day, Dr. John H. Keller, Jr., of Fairfield.

The Senate expressed appreciation for his service and welcomed Dr. Keller as a guest for the day.

**REPORTS OF STANDING COMMITTEES**

Senator Santiesteban submitted the following report for the Committee on Natural Resources:

**S.B. 434**

**S.B. 545**

**C.S.S.B. 10**

**C.S.S.B. 20**

**C.S.S.B. 436**

Senator Farabee submitted the following report for the Committee on State Affairs:

S.B. 409  
C.S.S.B. 521  
C.S.S.B. 261  
C.S.S.B. 160

#### SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.B. 648 by Uribe Health and Human Services  
Relating to the qualifications of the hospital administrators for the South Texas Hospital and San Antonio State Chest Hospital.

S.B. 649 by Harris Economic Development  
Relating to the licensing and regulation of public adjusters; providing penalties.

S.B. 657 by Truan, Zaffirini Education  
Relating to designating the University System of South Texas as the Comprehensive University System of South Texas, organizing Corpus Christi State University as a four-year institution of higher education, and authorizing a study of the higher education needs of the South Texas region.

S.B. 658 by Zaffirini Education  
Relating to the designation of Laredo State University as an upper-level educational institution and to the removal of the coordinating board's authority to discontinue the institution.

S.B. 659 by Green Intergovernmental Relations  
Relating to the administration of the justice courts in Harris County.

S.B. 660 by Green Intergovernmental Relations  
Relating to the creation of a child support department in Harris County.

S.B. 661 by Jones Economic Development  
Relating to self-insurance by certain banks.

S.B. 662 by Parmer Intergovernmental Relations  
Relating to the creation of four judicial districts composed of Tarrant County.

S.B. 663 by Parmer Intergovernmental Relations  
Relating to the appointment of criminal law magistrates in Tarrant County.

S.B. 664 by McFarland Jurisprudence  
Relating to official citation of state law and to deceptive practices relating to the use of official citations.

S.B. 665 by Armbrister Natural Resources  
Relating to the procedure for the Texas Water Commission's assumption of jurisdiction over a nonprofit water supply corporation.

S.B. 666 by Armbrister Economic Development  
Relating to the regulation of tow trucks; providing a penalty.

S.B. 667 by Brown Economic Development  
Relating to the creation of an offense involving certain sales of tickets to events; providing a penalty.

- S.B. 668** by Truan Education  
Relating to sick leave for public school employees.
- S.B. 669** by Blake State Affairs  
Relating to authorizing the creation of emergency medical services districts, to their organization, powers and duties, operations, financing, and dissolution, and to authorizing emergency medical services districts to levy taxes and issue bonds.
- S.B. 670** by Montford Natural Resources  
Relating to the creation and operation of the Texas Water Resources Management Oversight Committee.
- S.B. 671** by Montford Natural Resources  
Relating to policies and audits of certain water districts and authorities.
- S.B. 672** by Montford Natural Resources  
Relating to the continuing supervision of certain water districts and authorities by the Texas Water Commission.
- S.B. 673** by Montford Natural Resources  
Relating to adoption of certain rules by the Texas Water Commission.
- S.B. 674** by Montford Natural Resources  
Relating to minimum standards for underground water regulation.
- S.B. 675** by Montford Natural Resources  
Relating to jurisdiction over underground water in critical areas and addition of territory to and adoption and collection of fees by underground water conservation districts.
- S.B. 676** by Sims Natural Resources  
Relating to a temporary nonresident hunting license.
- S.B. 677** by Brown Education  
Relating to an exception for institutions of higher education from the requirements relating to payment of the general prevailing rate of per diem wages for public works contracts.
- S.B. 678** by Edwards, Caperton Education  
Relating to the use of money granted to an institution of higher education for research purposes.
- S.B. 679** by Whitmire Natural Resources  
Relating to the disclosure of public beach rights to a purchaser of property located seaward of the Gulf Intracoastal Waterway.
- S.B. 680** by Brown Criminal Justice  
Relating to the manner in which jail inmates earn good conduct time.
- S.B. 681** by Montford Natural Resources  
Relating to financial security requirements for wells and storage or disposal pits.
- S.B. 682** by Montford Natural Resources  
Relating to the authority of members and employees of the Railroad Commission of Texas to hold informal meetings, to have ex parte consultations and communications, and to authorize certain discovery proceedings.
- S.B. 683** by Montford Natural Resources  
Relating to the responsibilities of the Texas Water Commission, the Texas Water Development Board, and the Parks and Wildlife Department for the bays and estuaries.

**S.B. 684** by Edwards State Affairs  
Relating to the approval and use of voting systems and voting system equipment and to the security, verification, processing, and recount of electronic voting system election results.

**S.B. 685** by Edwards Education  
Relating to an exemption from jury service for primary and secondary school teachers.

**S.B. 686** by Zaffirini, Tejeda Jurisprudence  
Relating to the sale of real property under a power of sale conferred by a contract lien.

**S.B. 687** by Farabee Jurisprudence  
Relating to the administration and management of certain courts, the assignment of judges to certain courts and administrative judicial regions, and to certain duties of the attorney general.

**S.B. 688** by Farabee State Affairs  
Relating to the creation, powers, and duties of the division of risk management.

**S.B. 689** by Leedom Economic Development  
Relating to the regulation of certain personal property appraisers; providing a penalty.

**S.B. 690** by Lyon Intergovernmental Relations  
Relating to the compensation of a deputy sheriff assigned to duty as a bailiff in certain counties.

**S.J.R. 27** by Blake State Affairs  
Proposing a constitutional amendment authorizing the creation of emergency medical services districts and authorizing those districts to levy an ad valorem tax on property located in the district.

#### HOUSE BILL ON FIRST READING

The following bill received from the House was read the first time and referred to the Committee indicated:

**H.B. 299**, To Committee on Education.

#### MESSAGE FROM THE HOUSE

House Chamber  
March 5, 1987

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**H.B. 519**, Relating to the validation of the confirmation and directors election of the Collingsworth County Underwater Conservation District.

**H.B. 689**, Relating to banking corporations or associations or individual bankers eligible to be selected as depositories of certain cities, towns, or villages.

**H.B. 288**, Relating to the offense of misuse of public information by a public servant.

**H.C.R. 90**, Extending birthday greetings to Dick Brown.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

#### MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas  
March 4, 1987

TO THE SENATE OF THE SEVENTIETH LEGISLATURE,  
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE MEMBERS OF THE TEXAS NATIONAL RESEARCH LABORATORY  
COMMISSION:

For terms to expire February 1, 1993:

DR. PETER T. FLAWN  
600 Congress  
Suite 3200  
Austin, Texas 78701

Dr. Flawn will be replacing David B. Lack of Victoria whose term expired.

CHARLES W. DUNCAN, JR.  
50th Floor, Republic Bank Center  
700 Louisiana  
Houston, Texas 77002

Mr. Duncan will be replacing Dr. Neal Amundson of Houston whose term expired.

MORTON H. MEYERSON  
7171 Forest Lane  
Dallas, Texas 75230

Mr. Meyerson will be replacing Johnnie Lou Avery of Big Spring whose term expired.

Respectfully submitted,

/s/W. P. Clements, Jr.  
William P. Clements, Jr.  
Governor of Texas

#### SENATE RULE 103 SUSPENDED

On motion of Senator Edwards and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Nominations might consider today, upon recess of the Senate, the Governor's nominations to the Texas National Research Laboratory.

#### SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider the Executive appointments to agencies, boards and commissions. Notice of submission of these names for consideration was given yesterday by Senator Edwards.

Senator Edwards moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

Senator Edwards requested that nomination of the Honorable Craig Trively Enoch, to be Chief Justice of the Court of Appeals, Fifth Supreme Judicial District, be severed.

The request was granted.

On motion of Senator Edwards and by unanimous consent, the nomination of Judge Enoch was recommitted to the Committee on Nominations.

#### **NOMINEES CONFIRMED**

The following nominees, not severed and reported yesterday by the Committee on Nominations, were confirmed by the following vote: Yeas 29, Nays 0.

Absent-excused: Brooks, Henderson.

Member, Texas Economic Development Commission: EDWARD O. VETTER, Dallas County.

Members, Parks and Wildlife Commission: MRS. BEATRICE CARR PICKENS, Potter County; CHARLES DURHAM NASH, JR., Hays County; HENRY C. BECK III, Dallas County.

#### **SENATE BILL 119 ON SECOND READING**

On motion of Senator Montford and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 119**, Relating to the collection and use of fees charged for certain publications issued by the Texas Aeronautics Commission.

The bill was read second time and was passed to engrossment viva voce vote.

#### **SENATE BILL 119 ON THIRD READING**

Senator Montford moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 119** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Brooks, Henderson.

The bill was read third time and was passed viva voce vote.

#### **COMMITTEE SUBSTITUTE SENATE BILL 327 ON SECOND READING**

On motion of Senator Caperton and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 327**, Relating to designation of the Texas Veterinary Medical Diagnostic Laboratory as an agency of higher education and employees eligibility to participate in retirement systems and personnel benefits.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 327  
ON THIRD READING**

Senator Caperton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 327 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Brooks, Henderson.

The bill was read third time and was passed viva voce vote.

**MESSAGE FROM THE HOUSE**

House Chamber  
March 5, 1987

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**H.C.R. 10**, Granting Alpha Painting and Decorating Company, Inc., permission to sue the State of Texas and the State Purchasing and General Services Commission.

**H.C.R. 22**, Granting Mott Construction Corporation permission to sue the State of Texas and Texas Southern University.

**H.C.R. 29**, Granting C. E. Fougereousse, M.D., permission to sue the Gulf Coast Regional Mental Health-Mental Retardation Center, Brazoria County and Galveston County.

**H.C.R. 30**, Granting Donald L. Childress permission to sue the Gulf Coast Regional Mental Health-Mental Retardation Center, Brazoria County and Galveston County.

**H.C.R. 35**, Granting American Family Life Assurance Company of Columbus permission to sue the State of Texas, the chairman of the State Board of Insurance, the comptroller of public accounts, and the state treasurer.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**SENATE BILL 379 ON SECOND READING**

On motion of Senator Jones and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 379**, Relating to the requirement of a performance bond for certain collectors of ad valorem taxes.

The bill was read second time.

Senator Jones offered the following amendment to the bill:

Amend **S.B. 379**, Section 1. line 35 of the printed bill, by adding the following at the beginning of line 35:

“and paid for by.”

The amendment was read and was adopted viva voce vote.

On motion of Senator Jones and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

#### **SENATE BILL 379 ON THIRD READING**

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 379 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Brooks, Henderson.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Brooks, Henderson.

#### **SENATE BILL 380 ON SECOND READING**

On motion of Senator Jones and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 380**, Relating to the time for filing an application for a residence homestead exemption from ad valorem taxation.

The bill was read second time and was passed to engrossment viva voce vote.

#### **SENATE BILL 380 ON THIRD READING**

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 380 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Brooks, Henderson.

The bill was read third time and was passed viva voce vote.

#### **COMMITTEE SUBSTITUTE SENATE BILL 92 ON SECOND READING**

On motion of Senator Green and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 92**, Relating to the establishment of an industrial solid and hazardous waste materials exchange. (Submitted by Governor as an emergency matter)

The bill was read second time and was passed to engrossment viva voce vote.



**COMMITTEE SUBSTITUTE SENATE BILL 92  
ON THIRD READING**

Senator Green moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.B. 92 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Brooks, Henderson.

The bill was read third time and was passed viva voce vote.

**HOUSE CONCURRENT RESOLUTION 24**

The President laid before the Senate the following resolution:

**H.C.R. 24**, Inviting the Honorable James Wright, Speaker of the U.S. House of Representatives, to address a Joint Session on a date and at a time that is mutually agreeable.

The resolution was read.

On motion of Senator Parmer and by unanimous consent, the resolution was considered immediately and was adopted viva voce vote.

**RECESS**

On motion of Senator Harris, the Senate at 11:42 a.m. took recess until 1:30 p.m. today.

**AFTER RECESS**

The Senate met at 1:30 p.m. and was called to order by Senator Montford.

**CO-AUTHOR OF SENATE BILL 634**

On motion of Senator Lyon and by unanimous consent, Senator Edwards will be shown as Co-author of **S.B. 634**.

**MESSAGE FROM THE HOUSE**

House Chamber  
March 5, 1987

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**S.B. 149**, Relating to reporting and payment of social security contributions for officers and employees of the state or of counties, municipalities, or other political subdivisions of the state; making an appropriation.

**S.B. 108**, Relating to accounting procedures regarding the retirement annuity reserve account of the Employees Retirement System of Texas.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**REPORT OF STANDING COMMITTEE**

By unanimous consent, Senator Edwards submitted the following report for the Committee on Nominations:

We, your Committee on Nominations, to which were referred the attached appointments, have had same under consideration, and report them back to the Senate for final consideration.

To be Members of the TEXAS NATIONAL RESEARCH LABORATORY COMMISSION: Dr. Peter T. Flawn, Travis County; Morton H. Meyerson, Dallas County; Charles W. Duncan, Jr., Harris County.

**NOTICE OF CONSIDERATION OF NOMINATIONS**

Senator Edwards gave notice that he would on Monday, March 9, 1987, at the conclusion of Morning Call submit to the Senate for consideration the nominations to the Texas National Research Laboratory Commission reported from the Committee on Nominations today.

**CONGRATULATORY RESOLUTIONS**

**H.C.R. 86** - (Barrientos): Encouraging the sister city relationship between Austin and Adelaide, Australia.

**H.C.R. 90** - (Jones): Extending birthday greetings to Dick Brown.

**S.R. 156** - By Krier: Commending the National Federation of Republican Women.

**S.R. 157** - By Green: Recognizing "March of the Texas State Guard" as the anthem of the Texas State Guard.

**S.R. 158** - By Zaffirini: Commending Las Mujeres for sponsoring the seminar Primavera V: Women on the Border, An International Perspective, to be held March 6-8, 1987, in Laredo.

**ADJOURNMENT**

On motion of Senator Edwards, the Senate at 1:34 p.m. adjourned until 11:00 a.m. Monday, March 9, 1987.

**TWENTY-FOURTH DAY**  
(Thursday, March 5, 1987)

The Senate met at 11:00 a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Anderson, Armbrister, Barrientos, Blake, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

Absent-excused: Brooks, Henderson.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows: